

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GAIA BOTANICALS, LLC,

Case No. 2:18-cv-0789-APG-PAL

Plaintiff,

ORDER

PACIFIC PAYMENT TECHNOLOGIES,
LLC, et al.,

(Mot WD Atty - ECF No. 49)

Defendants.

12 Before the court is Naylor & Braster's Motion to Withdraw as Counsel of Record (ECF No.
13 49) for defendants Pacific Payment Technologies, LLC, Tre'lage, LLC, Neil Haboush, Neil
14 Sollinger, Mark Soller, Pasha Sollinger, and Nancy LaBier. The motion represents that defendants
15 owe significant attorneys' fees and have not brought their account current Counsel has been
16 discussing the need to pay legal fees with the clients since last December and represent it would
17 create a hardship to continue to represent the defendants at no cost. Counsel therefore seeks leave
18 to withdraw as counsel of record.

19 A corporation cannot appear except through counsel. *Rowland v. California Men's Colony*,
20 506 U.S. 194, 201–02 (1993); *Reading Int'l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046, 1053 (9th
21 Cir. 2016). The Ninth Circuit has held that default judgment is an appropriate sanction for a
22 corporation's failure to retain counsel for the duration of the litigation. *United States v. High*
23 *Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993).

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED that:

²⁶ 1. Naylor & Braster's Motion to Withdraw as Counsel of Record (ECF No. 49) is

GRANTED.

- 1 2. As a corporation cannot appear except through counsel, corporate defendants Pacific
2 Payment Technologies, LLC, and Tre'lage, LLC shall have until **March 15, 2019** in
3 which to retain substitute counsel who shall make an appearance in accordance with
4 the requirements of the Local Rules of Practice.
- 5 3. Defendants Pacific Payment Technologies, LLC and Tre'lage, LLC's failure to timely
6 comply with this order by obtaining substitute counsel may result in the imposition of
7 sanctions which may include a recommendation to the district judge that default
8 judgment be entered against them.
- 9 4. Individual defendants Neil Haboush, Neil Sollinger, Mark Soller, Pasha Sollinger, and
10 Nancy LaBier shall have until **March 15, 2019** in which to retain substitute counsel
11 who shall make an appearance in accordance with the requirements of the Local Rules
12 of Practice or shall file a notice with the court that he/she will be appearing in this
13 matter *pro se*, (representing themselves).
- 14 5. Individual defendants Neil Haboush, Neil Sollinger, Mark Soller, Pasha Sollinger, and
15 Nancy LaBier's failure to timely comply with this order by either obtaining substitute
16 counsel or filing a notice that he/she will be appearing in this matter *pro se* may result
17 in the imposition of sanctions which may include a recommendation to the district
18 judge that default judgment be entered against them.
- 19 6. The Clerk of the Court shall serve the defendants with a copy of this order at their last
20 known addresses:

21 Pacific Payment Technologies, LLC
22 c/o Mr. Neil Haboush
23 410 S. Rampart Blvd., Ste. 390
24 Las Vegas, NV 89145

25 Tre'lage, LLC
26 c/o Mr. Neil Haboush
27 Pacific Payment Technologies, LLC
28 410 S. Rampart Blvd., Ste. 390
 Las Vegas, NV 89145

29 Mr. Neil Haboush
30 410 S. Rampart Blvd., Ste. 390
31 Las Vegas, NV 89145

1 Mr. Neil Sollinger
2 410 S. Rampart Blvd., Ste. 390
3 Las Vegas, NV 89145

4 Ms. Pasha Sollinger
5 410 S. Rampart Blvd., Ste. 390
6 Las Vegas, NV 89145

7 Mr. Mark Soller
8 410 S. Rampart Blvd., Ste. 390
9 Las Vegas, NV 89145

10 Ms. Nancy La Bier
11 410 S. Rampart Blvd., Ste. 390
12 Las Vegas, NV 89145

13 DATED this 13th day of February 2019.

14 
15 PEGGY A. TEER
16 UNITED STATES MAGISTRATE JUDGE